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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,404	12/28/2001	Richard E. Hanson	12947	1181

37414 7590 04/05/2004

CASE NEW HOLLAND INC.  
CNH - IP LAW DEPARTMENT  
BOX 1895 MS 641  
NEW HOLLAND, PA 17557

EXAMINER

CHIN, GARY

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/034,404

**Applicant(s)**

HANSON ET AL.

**Examiner**

Gary Chin

**Art Unit**

3661

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al (patent no. 5400018) in view of Pillar (patent no. 6553290).

As per claims 1, 6, 11, 14, 18, 21 and 22, figures 1-3 of the Scholl et al reference clearly disclose a monitoring system for a vehicle, an off-highway work vehicle (104 or 106), a fleet management system for a work vehicle as well as a method for monitoring a work vehicle including a diagnostic system (308) configured to receive sensor information, an operator interface configured to receive input from a vehicle operator (col. 4, lines 27-37), an onboard fleet management system (306) and a wireless communication network (212) coupled the diagnostic system to a remote data center or data receiver (116 or 218). The difference between

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the claimed invention and that disclosed in Scholl et al is that the operator input in the latter is responsive to the switches actuated by the operator (col. 4, lines 27-37 and see "driver initiated" in item 308) and not responsive to at least one computer generated question as claimed.

However, such feature of employing a computer to generate and display a plurality of prompts or questions in the operator interface to obtain inputs from the operator in the vehicle diagnostic art is notoriously well known at the time the invention was made and clearly taught in figure 2 (items 16 and 18-19) and columns 5 and 10-11 of the Pillar reference. A person having ordinary in the art would have been motivated to replace the operator switches in Scholl et al with such well known feature of generating prompts or questions from a computer as taught in Pillar so that communication between the operator and the vehicle diagnostic system can be facilitated as directly suggested in col. 5 of the Pillar teaching.

As per claims 2-5, figures 1-2 of the Scholl et al reference clearly disclose the claimed technical support or fleet management center (112), equipment maintenance center (110) and dealer service center interface (118).

As per claim 7, the additionally claimed microprocessor is taught in column 3, lines 19-20 of the Scholl et al teaching.

As per claims 8-10 and 20, the claimed modem and transmitter are disclosed in column 6, lines 49-52 of the Scholl et al teaching.

As per claims 12, 16-17 and 23-24, the claimed decision tree algorithm is well known and has been routinely employed in any data processing system. It would have been readily apparent to one skilled in the art that such decision tree either has already been used in the pillar

system or would have been obvious to do so to derive the decision data and subsequently storing them in a well known character string format as claimed.

As per claims 13 and 15, the claimed remote data center is clearly shown in figure 1, item 116 of the Scholl et al teaching.

As per claim 19, the claimed vehicle sensor is taught in column 3, lines 21-27 of the Scholl et al teaching.

4. Applicant's argument in the amendment has been fully considered and is not deemed to be persuasive.

5. In the amendment, applicant essentially alleged that the Scholl and Pillar references couldn't be properly combined since Pillar reference teaches a local diagnostic system and the Scholl reference teaches a remote diagnostic system. Applicant further alleged that even if they would be combined, the result would be "a vehicle with the Pillar intelligent display module and the Scholl remote telecommunications and diagnosis, that would ask the operator questions locally and diagnose problems (per Pillar), and would also send raw operator switch and sensor data to the remote diagnosis facility (per Scholl)". The examiner strongly disagrees with such allegations. Applicant's attack on the Pillar is inappropriate. The pillar reference is not intended to show all the claimed limitations but merely used to demonstrate that the claimed feature of employing a computer to generate prompts or questions in a vehicle diagnostic system is well known in the art. It is the examiner's contention that based upon the direct suggestion found in the Pillar teaching, one skilled in the art would have been motivated to replace the operator switches used in the Scholl et al system with the well known feature of using a computer to

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generate prompts or questions associated with the vehicle diagnosis as taught in Pillar so that the communication between the operator and the vehicle diagnostic system can be facilitated.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

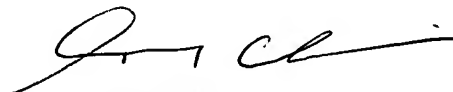
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GARY CHIN  
PRIMARY EXAMINER